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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary	Application No.	Applicant(s)	
	09/514,657	WAESTERLID, ANDERS	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-25 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 Feb 2000 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1,2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl et al. WO98/17032 above, and further in view of Rosenberg et al. IETF Internet Draft (hereafter referred to as Borgstahl and Rosenberg).

As per **claim 1**, Borgstahl teaches a peer-to-peer network (pg. 1, L7) for allowing members/peers to send/receive status information (figures 3-5 and 7) from other members/peers [pg. 5, L19-21] comprising:

b. storing in a member's communication device, status information concerning other members of the affinity group (figure 2, memory #42 stores personalization data)

d. receiving status update (figure 2, #36/#38 is transmit/receive hardware)

e. updating status information in a member's communication device when received. (figure 2, shows memory that can be updated).

but is silent on

a. forming an affinity group that contains two or more members

c. when status of a member changes, sending a status update message

Rosenberg teaches an event notification service that allows a user to subscribe to some entity which has a "state" [as per letter "c" above]. The subscription is a request to be informed about changes to the state such that a notification is delivered if a state change occurs. The applicability is extremely broad and events include presence information, device status, log-in/off events, etc.. Rosenberg's use of a log-on event is consistent with the use of an affinity group and parallels other affinity group software systems such as CHAT, ICQ, Microsoft ILS, etc.. [as per letter "a" above] (pg. 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that an affinity group is used and a status message is sent when changed, to provide each wireless member with up-to-date information about the network for ease-of-use.

As per **claim 2**, Borgstahl teachs claim 1, wherein status information comprises a plurality of status items (figures 3-5, 7 and page 10, L30-35).

As per **claim 3**, Borgstahl teaches claim 2, **but is silent on** wherein status information includes at least on/off status of member, activity status of member and location of member. Borgstahl does teach that a connection attempt can fail (which may be because a member/peer is "off") [pg. 9, L36-38] and that the connection usually occurs because a user is proximate (but the exact location is not discerned) [pg. 9, L25-28].

Rosenberg teaches that an event notification can include device status (eg. on/off), presence information (eg. location) and activity (eg. just logged on, just logged off, etc.) [page 1, introduction].

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that status information includes on/off, activity and location of member, to provide up-to-date information about the affinity group members to other members.

As per **claim 4**, Borgstahl teaches claim 2, **but is silent on** wherein each individual selects status items from a list of available status items that are reported to other members of the affinity group. Borgstahl teaches lists of devices a user can connect to as well as user configurable personalization data (figure 3-5, 7 and page 11, L13-21].

Rosenberg teaches that a user can receive status updates based upon virtually any trigger that they configure/customize (eg. notify me when event X in state machine Y occurs if the day is Tuesday and the temperature in Zimbabwe is 85 degrees Fahrenheit – page 1, introduction). One skilled in the art would provide a list of commonly used triggers to allow a user to quickly configure their device with an initial set of triggers.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that a user can select from a list of status items, to provide a quick/easy/user-friendly way to setup the user's communication device to gather other affinity member status data.

As per **claim 5**, Borgstahl teaches claim 2 further including the step providing updates if/when two users are proximate, based upon a schedule or triggered upon the expiration of a fixed or random timer [abstract and page 10, L2-10] (eg. designating a period during which status updates are enabled).

As per **claim 6**, Borgstahl teaches claim 2 and the fact that the user can restrict access to the peer through the network. Since one facet of the invention is a point-of-sale capability which may require "an extensive authorization process before permitting a transaction to take place" (page 12, L16-27) and the fact that the invention can use a periodic schedule (page 10, 2-3), one skilled in the art would provide the step of designating a period during which status updates are supressed.

As per **claim 7**, Borgstahl teaches claim 1 **but is silent on** further including the step of automatically detecting status changes of a member and sending status update messages when a status changed is detected.

Rosenberg teaches an event notification service whereby a notification is delivered asynchronously to the subscriber when a state change occurs (page 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that the system automatically detects status changes and sends status update messages, to automatic affinity member status updates to each user without having them having to manually query the system for said updates.

As per **claim 8**, Borgstahl teaches claim 7, **but is silent on** wherein the status of a member is monitored by said member's communication device and wherein said communication device is programmed to automatically transmit a status update message when a change in status is detected.

Rosenberg teaches an event can be defined as logging in/out of a computer, changing their preferences, changes to their status at a specific location, etc. (page 2, 4th paragraph down, "A presence event occurs……."). The examiner interprets this to mean that a status update is sent if the user causes a change in status.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that the status of each member is monitored and the communication device automatically sends status updates when status is changed, to circumvent the need for the server to determine if the user has changed status.

As per **claim 9**, Borgsthal teaches claim 7, **but is silent on** wherein the status of a member is monitored by a centralized server in said communication network and wherein status update messages are transmitted to other members in said affinity group when a member's status changes.

Rosenberg teaches (in figure 1) a server(s) that is used for communications between subscribers, the publisher and database/policy server. The examiner interprets this figure as having a centralized server that monitors affinity group members and notifies them when member status changes.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that a member is monitored by a centralized server and status updates are transmitted to other members if status changes, to provide a central repository of all member status data and can be centrally administered.

As per **claim 10**, Borgstahl teaches a peer-to-peer wireless network (pg. 1, L7 and pg 6, L4-5) for allowing members/peers to send/receive status information (figures 3-5 and 7) from other members/peers [pg. 5, L19-21] comprising:

b. storing in a member's wireless communication device, status information concerning other members of the affinity group (figure 2, wireless device and memory #42 stores personalization data)

d. receiving status update (figure 2, #36/#38 is transmit/receive hardware) at a second user's mobile device (figure 1 shows mobile devices).

e. updating status information in second member's mobile communication device when received. (figure 2, shows memory that can be updated).
but is silent on
a. forming an affinity group that contains two or more members
c. when status of a member changes, sending a status update message to centralized server

Rosenberg teaches a client/centralized server (figure 1) event notification service that allows a users to subscribe to some entity which has a "state" [as per letter "c" above]. The subscription is a request to be informed about changes to the state such that a notifications are delivered among users if a state change occurs. The applicability is extremely broad and events include presence information, device status, log-in/off events, etc.. Rosenberg's use of a log-on event is consistent with the use of an affinity group and parallels other affinity group software systems such as CHAT, ICQ, Microsoft ILS, etc.. [as per letter "a" above] (pg. 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that an affinity group is used and a status message is sent when changed, to provide each wireless member with up-to-date information about the network for ease-of-use.

As per **claim 11**, Borgstahl teachs claim 10, wherein status information comprises a plurality of status items (figures 3-5, 7 and page 10, L30-35).

As per **claim 12**, Borgstahl teaches claim 11, **but is silent on** wherein status information includes at least on/off status of member, activity status of member and location of member. Borgstahl does teach that a connection attempt can fail (which may be because a member/peer is "off") [pg. 9, L36-38] and that the connection usually occurs because a user is proximate (but the exact location is not discerned) [pg. 9, L25-28].

Rosenberg teaches that an event notification can include device status (eg. on/off), presence information (eg. location) and activity (eg. just logged on, just logged off, etc.) [page 1, introduction].

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that status information includes on/off, activity and location of member, to provide up-to-date information about the affinity group members to other members.

As per **claim 13**, Borgstahl teaches claim 11, **but is silent on** wherein each individual selects status items from a list of available status items that are reported to other members of the affinity group. Borgstahl teaches lists of devices a user can connect to as well as user configurable personalization data (figure 3-5, 7 and page 11, L13-21].

Rosenberg teaches that a user can receive status updates based upon virtually any trigger that they configure/customize (eg. notify me when event X in state machine Y occurs if the day is Tuesday and the temperature in Zimbabwe is 85 degrees

Fahrenheit – page 1, introduction). One skilled in the art would provide a list of commonly used triggers to allow a user to quickly configure their device with an initial set of triggers.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that a user can select from a list of status items, to provide a quick/easy/user-friendly way to setup the user's communication device to gather other affinity member status data.

As per **claim 14**, Borgstahl teaches claim 11 further including the step providing updates if/when two users are proximate, based upon a schedule or triggered upon the expiration of a fixed or random timer [abstract and page 10, L2-10] (eg. designating a period during which status updates are enabled).

As per **claim 15**, Borgstahl teaches claim 11 and the fact that the user can restrict access to the peer through the network. Since one facet of the invention is a point-of-sale capability which may require "an extensive authorization process before permitting a transaction to take place" (page 12, L16-27) and the fact that the invention can use a periodic schedule (page 10, 2-3), one skilled in the art would provide the step of designating a period during which status updates are supressed.

As per **claim 16**, Borgstahl teaches claim 10 **but is silent on** further including the step of automatically detecting status changes of a member and sending status update messages when a status changed is detected.

Rosenberg teaches an event notification service whereby a notification is delivered asynchronously to the subscriber when a state change occurs (page 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that the system automatically detects status changes and sends status update messages, to automatic affinity member status updates to each user without having them having to manually query the system for said updates.

As per **claim 17**, Borgstahl teaches claim 16, **but is silent on** wherein the status of a member is monitored by said member's communication device and wherein said communication device is programmed to automatically transmit a status update message when a change in status is detected.

Rosenberg teaches an event can be defined as logging in/out of a computer, changing their preferences, changes to their status at a specific location, etc. (page 2, 4th paragraph down, "A presence event occurs……."). The examiner interprets this to mean that a status update is sent if the user causes a change in status.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that the status of each member is monitored and the communication device automatically sends status updates when status is changed, to circumvent the need for the server to determine if the user has changed status.

As per **claim 18**, Borgsthal teaches claim 16, **but is silent on** wherein the status of a member is monitored by a centralized server in said communication network and wherein status update messages are transmitted to other members in said affinity group when a member's status changes.

Rosenberg teaches (in figure 1) a server(s) that is used for communications between subscribers, the publisher and database/policy server. The examiner interprets this figure as having a centralized server that monitors affinity group members and notifies them when member status changes.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that a member is monitored by a centralized server and status updates are transmitted to other members if status changes, to provide a central repository of all member status data and can be centrally administered.

As per **claim 19**, Borgstahl teaches a peer-to-peer wireless network (pg. 1, L7 and pg 6, L4-5) for allowing members/peers to send/receive status information (figures 3-5 and 7) from other members/peers [pg. 5, L19-21] comprising:

a. memory for storing in a member's wireless communication device, status information concerning other members of the affinity group (figure 2, wireless device and memory #42 stores personalization data)

b/c. a transmitter/receiver responsive for transmitting status update messages to other members (figure 2, #36/#38)

d. a processor operatively connected to said memory for writing/reading status to/from memory (figure 2, #40), processor programmed to:

2. update said status information stored in said memory when a status update message is received from another member of said affinity group (figure 2, shows memory that can be updated).

but is silent on

an affinity group,

1. generate a status message when member's status changes for transmission to other members of said affinity group

Rosenberg teaches a client/centralized server (figure 1) event notification service that allows a users to subscribe to some entity which has a "state" [as per letter "c" above]. The subscription is a request to be informed about changes to the state such that a notifications are delivered among users if a state change occurs. The applicability is extremely broad and events include presence information, device status, log-in/off events, etc.. Rosenberg's use of a log-on event is consistent with the use of an affinity group and parallels other affinity group software systems such as CHAT, ICQ, Microsoft ILS, etc.. [as per letter "a" above] (pg. 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that an affinity group is used and a status message is sent when changed, to provide each wireless member with up-to-date information about the network for ease-of-use.

As per **claim 20**, Borgstahl teachs claim 19, wherein status information comprises a plurality of status items (figures 3-5, 7 and page 10, L30-35).

As per **claim 21**, Borgstahl teaches claim 20, **but is silent on** wherein status information includes at least on/off status of member, activity status of member and location of member. Borgstahl does teach that a connection attempt can fail (which may be because a member/peer is "off") [pg. 9, L36-38] and that the connection usually occurs because a user is proximate (but the exact location is not discerned) [pg. 9, L25-28].

Rosenberg teaches that an event notification can include device status (eg. on/off), presence information (eg. location) and activity (eg. just logged on, just logged off, etc.) [page 1, introduction].

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that status information includes on/off, activity and location of member, to provide up-to-date information about the affinity group members to other members.

As per **claim 22**, Borgstahl teaches claim 19, **but is silent on** wherein each individual selects status items from a list of available status items that are reported to other members of the affinity group. Borgstahl teaches lists of devices a user can connect to as well as user configurable personalization data (figure 3-5, 7 and page 11, L13-21].

Rosenberg teaches that a user can receive status updates based upon virtually any trigger that they configure/customize (eg. notify me when event X in state machine Y occurs if the day is Tuesday and the temperature in Zimbabwe is 85 degrees Fahrenheit – page 1, introduction). One skilled in the art would provide a list of commonly used triggers to allow a user to quickly configure their device with an initial set of triggers.

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that a user can select from a list of status items, to provide a quick/easy/user-friendly way to setup the user's communication device to gather other affinity member status data.

As per **claim 23**, Borgstahl teaches claim 19 further including the step providing updates if/when two users are proximate, based upon a schedule or triggered upon the expiration of a fixed or random timer [abstract and page 10, L2-10] (eg. designating a period during which status updates are enabled).

As per **claim 24**, Borgstahl teaches claim 19 and the fact that the user can restrict access to the peer through the network. Since one facet of the invention is a point-of-sale capability which may require "an extensive authorization process before permitting a transaction to take place" (page 12, L16-27) and the fact that the invention can use a periodic schedule (page 10, 2-3), one skilled in the art would provide the step of designating a period during which status updates are supressed.

As per **claim 25**, Borgstahl teaches claim 19 **but is silent on** further including the step of automatically detecting status changes of a member and sending status update messages when a status changed is detected.

Rosenberg teaches an event notification service whereby a notification is delivered asynchronously to the subscriber when a state change occurs (page 1, introduction).

It would have been obvious to one skilled in the art at the time of the invention to modify Borgstahl, such that the system automatically detects status changes and sends status update messages, to automatic affinity member status updates to each user without having them having to manually query the system for said updates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist on 703-306-0377.

SMD
September 3, 2002

THANH CONG LE
PRIMARY EXAMINER